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8 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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Johan Engman, an individual,) Case No.: '15CV1142 AJB JLB
10)
Plaintiff,) COMPLAINT FOR DAMAGES AND
11) INJUNCTIVE RELIEF UNDER THE
12 vs.) TELEPHONE CONSUMER PROTECTION
13) ACT, 47 U.S.C. § 227 *ET SEQ.*
NATIONSTAR MORTGAGE LLC;) JURY TRIAL DEMANDED
14)
15 Defendant.)
16)

17 Plaintiff, Johan Engman ("Plaintiff") alleges as follows:

18 **INTRODUCTION**

19 1. Defendant, Nationstar Mortgage, LLC ("Defendant")
20 negligently and/or willfully contacted Plaintiff on his cellular
21 telephone in violation of the Telephone Consumer Protection Act,
22 47 U.S.C. § 227 *et seq.*, ("TCPA"), thereby invading Plaintiff's
23 privacy.

24 **JURISDICTION AND VENUE**

25 2. This court's jurisdiction arises under the TCPA over which
26 the U.S. District Court has original subject matter jurisdiction
27 under 28 U.S.C. § 1331, (*Mims v. Arrow Fin. Servs., LLC*, 132 S.
28 Ct. 740,753 (2012)).

1 3. Venue is proper in the United States District Court for the
2 Southern District of California under 18 U.S.C. § 1391(b)
3 because the Defendant is registered with the California
4 Secretary of State and does business within the State of
5 California and the County of San Diego.

6 **PARTIES**

7 4. Plaintiff is an individual and resident of California.
8 Plaintiff is a person under 47 U.S.C. § 153(39).

9 5. Defendant regularly does business in the State of
10 California and maintains an agent for service of process within
11 the State of California.

12 6. Defendant is a person as defined by 47 U.S.C. § 153(39).

13 **FACTUAL ALLEGATIONS**

14 7. Plaintiff owed money on a loan. Starting on June 28, 2013,
15 Defendant used an autodialer and/or prerecorded voice message to
16 telephone Plaintiff's cellular phone in connection with
17 collection of Plaintiff's loan debt.

18 8. Plaintiff never provided his cellular telephone number to
19 Defendant and never gave Defendant consent to contact him on his
20 cellular telephone with an autodialer and/or prerecorded voice
21 message.

22 9. Defendant's automated telephone calls to Plaintiff's
23 cellular telephone using an autodialer and/or prerecorded voice
24 messages continued weekly, including calls in the early morning,
25 from June 28, 2013, through December 2013.

26 10. Defendant's automated telephone calls, all prior to the
27 date this complaint was filed, but sometime after four years
28 prior to the date this complaint was filed, were directed to

1 Plaintiff on his cellular telephone via an "automatic telephone
2 dialing system," as defined by 47 U.S.C. § 227(a)(1).

3 11. During these telephone calls Defendant used "an artificial
4 or prerecorded voice" as prohibited by 47 U.S.C. § 227(b)(1)(A).

5 12. The telephone number Defendant called was assigned to a
6 cellular telephone service for which Plaintiff incurs a charge
7 for incoming calls under 47 U.S.C. § 227(b)(1)(A)(iii).

8 13. Plaintiff did not provide prior express consent to
9 Defendant to receive calls on his cellular telephone, under 47
10 U.S.C. § 227(b)(1)(A).

11 14. These telephone calls by Defendant violated 47 U.S.C.
12 §227(b)(1).

13 **FIRST CAUSE OF ACTION**

14 **NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT**

15 **47 U.S.C. §227 *ET SEQ.***

16 15. Plaintiff incorporates by reference all of the above
17 paragraphs of this complaint as though fully stated herein.

18 16. The foregoing acts and omissions of Defendant constitutes
19 numerous and multiple negligent violations of the TCPA,
20 including but not limited to each and every one of the above-
21 cited provisions of 47 U.S.C. § 227 *et seq.*

22 17. As a result of Defendant's negligent violations of 47
23 U.S.C. § 227 *et seq.*, Plaintiff is entitled to an award of
24 \$500.00 in statutory damages, for each and every violation,
25 under 47 U.S.C. § 227(b)(3)(B).

26 18. Plaintiff is also entitled to injunctive relief prohibiting
27 such conduct in the future.

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1 **SECOND CAUSE OF ACTION**

2 **KNOWING AND/OR WILLFUL VIOLATIONS OF THE TELEPHONE CONSUMER**
3 **PROTECTION ACT**

4 **47 U.S.C. §227 *ET SEQ***

5 19. Plaintiff incorporates by reference all of the above
6 paragraphs of this complaint as though fully stated herein.

7 20. The foregoing acts and omissions of Defendant constitute
8 numerous and multiple knowing and/or willful violations of the
9 TCPA, including but not limited to each and every one of the
10 above-cited provisions of 47 U.S.C. § 227 *et seq.*

11 21. As a result of Defendant's knowing and/or willful
12 violations of 47 U.S.C. § 227 *et seq.*, Plaintiff is entitled to
13 treble damages, as provided by statute, up to \$1,500, for each
14 and every violation, under 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C.
15 § 227(b)(3)(C).

16 22. Plaintiff is also entitled to injunctive relief prohibiting
17 such conduct in the future.

18 **PRAYER FOR RELIEF**

19 Wherefore, Plaintiff respectfully requests the Court grant
20 him the following relief against Defendant:

21 **FIRST CAUSE OF ACTION**

22 **NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT**

23 **47 U.S.C. §227 *ET SEQ.***

24 As a result of Defendant's negligent violations of 47
25 U.S.C. § 227(b)(1), Plaintiff seeks (1) \$500.00 in statutory
26 damages, for each and every violation, under 47 U.S.C. §
27 227(b)(3)(B); (2) injunctive relief prohibiting such conduct in
28 the future under 47 U.S.C. § 227(b)(3)(A); and (3) any other

1 relief the Court may deem just and proper.

2 **SECOND CAUSE OF ACTION**

3 **KNOWING AND/OR WILLFUL VIOLATIONS OF THE TELEPHONE CONSUMER**
4 **PROTECTION ACT**

5 **47 U.S.C. § 227 ET SEQ**

6 As a result of Defendant's knowing and/or willful
7 violations of 47 U.S.C. § 227(b)(1), Plaintiff seeks (1) treble
8 damages, as provided by statute, up to \$1,500, for each and
9 every violation, under 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. §
10 227(b)(3)(C); (2) injunctive relief prohibiting such conduct in
11 the future under 47 U.S.C. § 227(b)(3)(A); and (3) any other
12 relief the Court may deem just and proper.

13 **TRIAL BY JURY**

14 Under the seventh amendment to the Constitution of the
15 United States of America, Plaintiff is entitled to, and demands,
16 a trial by jury.

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18 DATED: 5/20/2015

LAW OFFICES OF QUINTIN G. SHAMMAM

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20 By: s/ Quintin G. Shammam
21 QUINTIN G. SHAMMAM, Attorney
22 for Plaintiff, Johan Engman.
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